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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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JOSHUA BAGGETT,

§

Plaintiff,

§

*versus*

§

CIVIL ACTION NO. 1:09-CV-799

REGINALD GOINGS, ET AL.

§

Defendants.

§

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, Joshua Baggett, an inmate currently confined at the Torres Unit in Hondo, Texas, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Reginald Goings, Brian Rodeen, Jackie Selwards and Brad Livingston.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends defendants' motion to dismiss be granted as plaintiff has failed to exhaust his administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 1st day of September, 2010.

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE